

**PROCEEDINGS OF THE BROWN COUNTY**  
**CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on September 17, 2015 in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

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**Present:** Judge Walsh, Judge Zuidmulder, John Gossage, Erik Pritzl, Dave Lasee, Don Harper, Tera Teesch, Michelle Timm, Joe Torres, Troy Streckenbach, Tim Mc Nulty

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1. **Call Meeting to Order.**

The meeting was called to order by Chair Judge Walsh at 8:00 am.

2. **Approve/Modify Agenda.**

**Motion made by John Gossage, seconded by Erik Pritzl to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

3. **Approve/modify minutes of July 16, 2015.**

**Motion made by John Gossage, seconded by Tera Teesch to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

4. **Presentation re: Jail Usage (Capt. Malcomson).**

Judge Walsh noted that Captain Malcomson was unable to attend this meeting and therefore no presentation was given. The presentation was replaced with an update on the treatment courts. Judge Walsh introduced Joe Torres as the new coordinator of the treatment courts and indicated that he has been doing a good job.

Torres provided the group with a handout showing a breakdown of participants in each of the treatment courts, a copy of which is attached. He noted that since the last meeting they have continued moving forward with the courts by doing screenings and accepting referrals, however this has been a little slower than they would like due to being short staffed and having the time to provide the case management services and screening that need to be done. Torres reviewed the numbers on the handout with the group.

With regard to the Heroin Court, Torres indicated that they will be starting their first individual on medication assisted treatment. They are also looking to start an individual in the Drug Court on medication assisted treatment as well. Torres said they have been working with the Brown County CTC to work out a process to make vivitrol more accessible to individuals who will potentially be receiving services through the County and he noted that vivitrol has been proven to show pretty significant results when used in collaboration with treatment. Torres continued that when the new case manager is on board in the next month or so, the processes will speed up a little bit.

Sheriff Gossage asked Torres to explain the vetting process for the Mental Health Court. Torres responded that they currently accept referrals from a number of sources including attorneys, the District Attorney's office

or even family members that have concerns. They do an initial screening and the first thing they check is that the subject has a diagnosed mental illness that they are struggling with and have been hooked up with a provider previously and have a history of medication and services to provide verification of the illness and that they are in need of services. It is helpful if an individual has a funding source, but it is not necessarily required. Torres said they can work with participants to get them set up with insurance and support and there is some funding to provide treatment until they can obtain it on their own.

Judge Walsh asked for an update on the medication situation with Prevea that had been discussed at earlier meetings. He also wished to talk about some of the challenges that are being faced in Heroin Court and Mental Health Court. Lasee noted that they will be starting a pilot program and have been meeting regularly with Prevea with a goal of having something in place before the end of the year to have tele-psych medication assisted therapy. They are still sorting through some of the funding issues and Prevea is still having issues with being able to bill tele-psych visits and that is a barrier they are trying to work around. There are doctors in Sheboygan who are willing to be a part of this but doctors in Green Bay are not as willing to participate. Lasee felt that they could probably get a group of three or four providers together if there was a good plan in place.

Judge Walsh stated that he had heard that doctors do not want to be part of it and Lasee responded that Prevea is continuing to work on getting a group of people together to do this as it did not seem that any individual doctors seemed to be interested. Judge Zuidmulder added that this is part of an ongoing philosophical argument that is going on in the treatment courts. There is a group of doctors that feel that medications are just assisting the addict and continuing the addiction because it is just simply switching heroin for another drug and they do not want anything to do with that. There are others who say it is a treatment modality and is just another way of addressing the issue. Judge Zuidmulder stated that the same thing is going on in Marinette County and there was a clear division between the providers; some thought it was a good idea and others did not.

Judge Walsh stated that one of the other issues is that there are a whole lot of services out there being offered by independent folks that are not being coordinated very well. He is aware of a few times where this Board has gone out into the community to meet with various people who start up organizations working with heroin addicts and they come to the County Board or go to other private funding sources and they have addicts they are trying to help, but there is no coordination and therefore sometimes services or efforts are being duplicated. One part of the problem is that there are no beds for these people; many of them are sitting in jail and the reality may be that that is the best place to leave them, given the resources, which defeats one of the purposes of the treatment courts which is to get people out of the jail. Judge Walsh said this is a problem that he wants to bring to the Board and he may try to set up some people to come in and talk about what they are doing and how they are doing it to start some brainstorming as to ways we can try to facilitate some coordination of efforts.

Lasee added that they had worked with the heroin response initiative for quite a while, but it seems to have lost steam, particularly from the private sector. He stated that it ended up being the same people around the table that had always been around the table such as law enforcement, DOC and DAs, but initially there was some buy-in from outside, but slowly they have backed away for various reasons. One of the concerns of the heroin initiative was to consolidate services and Lasee felt that this defines Green Bay and Brown County, not only on heroin but on other issues as well, that we are resource rich and system poor.

Judge Walsh indicated that the Heroin Court group is excited at this particular point about what they are doing and interested in making a difference, but understood that after ramming your head into the wall so many times interest wanes and he asked for more specifics as to the waning interest. Lasee responded that meetings were called and organized but slowly less people showed up at the meetings. Lasee felt that part of it was that they were hitting a roadblock on treatment. He recalled the four pillar approach and they worked on some of the pillars, but they got stuck at the treatment pillar. The rest of the group stopped their groups at the other pillars in light of the issues with treatment. Lasee continued that there are not enough beds for detox, long-term treatment and aftercare. This gap was identified, but nothing was done to fix it.

Human Services Director Erik Pritzl agreed that there needs to be a continuum approach and we need to make sure that what we are getting makes sense because there are people offering beds, but we do not know what they are doing for treatment and how they are supporting treatment and what model they are using, but they are doing something. He noted that there is a group being pulled together to look at the issue of what is not being done that needs to be done and the critical piece that comes up over and over is detox, but Pritzl felt that what to do after detox is also something that may be a gap as there are not housing options available.

Pritzl asked Lasee if he felt the group that he spoke of could be pulled back together. Lasee felt that the possibility exists of putting it back together, but people would need to know that their time is not being wasted. Judge Walsh indicated that as the Judge of Heroin Court he could reach out in an attempt to initiate something. Judge Zuidmulder noted that one of the constant things since he has been involved in treatment courts is the issue of where to place people. Typically they have been cut off from their families, have no jobs and are just out of jail and are wandering around the community. These people can go to shelters, but the shelters have rigid rules which do not always work out so they are out in the community wandering around. Judge Zuidmulder continued that there are so many issues that they are trying to deal with, but the recurring problem of housing shows up every third or fourth meeting and they realize it is important, but they are trying to address a number of other needs as well. He believes there has been a failure in the community in not creating a halfway house that would be available for the treatment courts to place someone in who finds themselves in the process with no stable place to go. This place should not be the jail, but that is what is currently happening.

**5. TAD Grant Programs/Coordinator Position (David Lasee).**

*See above.*

**6. Mental Health Court (Judge Zuidmulder).**

Judge Zuidmulder shared that the Mental Health Court has been very rewarding to him and unlike the other treatment courts, participants in the Mental Health Court are not there because they have criminal thinking or are involved in violating the law in a meaningful sense. They are there because they have a mental health condition which has deteriorated to the point in which they are not able to conform their conduct to what is socially acceptable. Judge Zuidmulder shared that when they get the mental health treatment participants stabilized, the clientele are so genuinely warm with regard to this world they find themselves in and it is wonderful to see, which is different than most of the participants in the other treatment courts.

There are currently nine members in the Mental Health Court with three more waiting and this has happened in six months. Judge Zuidmulder is expecting about 125 people participating in treatment courts within the next six months which will be a tremendous boost in the ability to manage the jail population but will also be reflective of the quality of life in the community.

Judge Zuidmulder continued that Mental Health Court operates on the cheap because the only thing they ask for from the levy is the staff person, but one of the things they need to talk about regarding treatment courts in general is that there are two streams of dollars. There are the TAD grant dollars with the component piece of Torres being the gatekeeper. Then there is the levy money that is used to implement and manage the treatment courts. What they have not done is have some kind of a system where there is an accounting of which court is using which money so that everyone can see if there is a need in a particular area, and, if so, money can be moved around to meet the need. Judge Zuidmulder felt that this would give a better method to be sure everyone is getting the resources they need and then if there are areas where resources are lacking, they could make the argument as to what those areas are.

Pritzl noted that one of his concerns is that all of these funds have been lumped into one pot at Human Services so it is hard to see how much is spent on each court. He noted that in 2016 each of the courts will be split out so they know what adjustments need to be made. Judge Zuidmulder stated that he is satisfied that some of the courts will not use all of the funds they have and the agreement has to be that they move the money around to facilitate needs in other courts, because each court has specific, specialized needs. Pritzl also noted that they would be able to do budget adjustments where necessary and Judge Zuidmulder also felt it would be helpful to have meetings for fiscal discussions with the four treatment court judges.

Judge Walsh also noted that he would like to see some sort of accounting because the Heroin Court team has reached out and are getting some volunteer ideas, such as picking up garbage at the Farmers Market which will bring in some money that can be used for little expenses that come up. He also noted that one of the attorneys that sat in on a session made a donation and they want to have some place to put those funds. Torres noted that they are working on developing a multi-purpose account for funds for each court so that donations or community service funds will be specifically designated to a specific court to be used in that court only. Judge Zuidmulder also noted that the Attorney General gave the County some money from a drug settlement and those funds were put aside for special needs and he thought that there may be funds remaining from that that should be tracked down.

Pritzl stated that there is some concern about people with mental health issues that are in the jail and how those people are handled in the transition of leaving jail. He noted that he and Sheriff Gossage have discussed this and Pritzl included in the Human Services budget funds for a position dedicated to handling the transitions of those going into the jail and coming out of the jail to try to ensure some continuity of care for them. At this time this is spread out through CTC case managers. Pritzl is aware that there may have been a more consolidated position on this in the past but the position that he is talking about now would act as a jail liaison to provide the care and help the person connect with more resources such as outpatient therapy. As long as this is approved through the budget process they will implement this position in 2016.

Judge Walsh stated that some of the heroin people have different needs and some of them come into the system as first time users. They are taking people with more chronic heroin issues and the issue becomes assessing them for what their needs are. There was talk about doing this at the jail and then getting

information to the judges for use in bond hearings. Lasee stated that he felt this discussion needs to be had at this level as it is being talked about at both the state and federal levels. Lasee felt it was a much larger discussion but it needs to be had because there needs to be some sort of assessments done to assess risk. Judge Walsh said this Board could have the discussions. He stated that he sees the DAs coming in and arguing one bond position while the public defenders are arguing something else. Judge Walsh said that he should be applying whatever is needed to get them into court the next time, but he is not hearing that in the arguments. Judge Zuidmulder did not know what the conversation has to be because as a judge, he takes the position that if he is given an instrument that tells him what the risk is, he would rely on that and if that instrument is going to be one that is going to release people from the jail because it is now a much more objective system, why not just do it. He felt that most of the judges would be on board, but there is no sense to keep having conversations when categorically if a risk system is implemented that the prosecutor endorses and relies on, then it seems that we should just move forward. Lasee stated the issues are what tool to use and how to implement it. The discussion continued with the suggestion of meeting with Judge Griesbach to see what tool he uses in Federal Court for screening and Judge Walsh will set up a meeting with him to discuss this.

7. **Heroin/Drug Court (Judge Walsh).**

See above.

8. **Such Other Matters as Authorized by Law. None.**

9. **Adjourn.**

**Motion made by John Gossage, seconded by Joe Torres to adjourn at 8:42 am. Vote taken.**

**MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Alicia Loehlein  
Recording Secretary

Therese Giannunzio  
Transcriptionist

## Brown County Treatment Alternatives & Diversion Program

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### Drug Court Participant Numbers

Category	Number
Total Participants to Date	69
Current Participants	17
Additional Approved Participants (awaiting start date)	2
Individuals in Referral Process	3
Successful Graduates	25
Graduates in Aftercare	
Pending Graduations this Month	4
Terminations within the first 60 days of acceptance (5 of the 6 absconded and this was the basis for termination)	5
Terminations related to absconding (including those within 60 days of acceptance)	10
Total Number of Terminations	27

\*The national average for terminations is between 25-40%; with 69 total participants served to date and 25 terminations, we are currently at 36.1%. If you exclude terminations that occurred due to the participants abandoning the program within the first 60 days of acceptance, our termination rate is 28%.

### Drug Court Recidivism

We have had a total of 25 graduates with 4 that have had new criminal convictions within 3 years of their graduation from the Drug Court Program. Based on these numbers we currently have a recidivism rate of 16%. Our court has been operational for 5 years.

### NEWVTC Participant Numbers

Category	Number
Total Participants to Date	40
Current Participants	21
Additional Approved Participants (awaiting start date)	2
Individuals in Referral Process	3
Successful Graduates	23
Terminations within the first 60 days of acceptance	0
Terminations related to absconding	0
Total Number of Terminations	3

The NEWVTC has been operational for approximately 3 years. The difference in total number of participants between the Drug Court and the NEWVTC is likely due to the following differing eligibility requirements: NEWVTC accepts referrals from all counties within the 8<sup>th</sup> judicial district, 1<sup>st</sup> time offenders, repeat offenders and violent offenders.

## Brown County Treatment Alternatives & Diversion Program

### HEROIN COURT:

Category	Number
Total Participants to Date	7
Current Participants	7
Additional Approved Participants (awaiting start date)	3
Individuals in Referral Process	5
Successful Graduates	0
Terminations within the first 60 days of acceptance	0
Terminations related to absconding (including those within 60 days of acceptance)	0
Total Number of Terminations	0

The Heroin Court began in March of this year. The purpose of this court is to specifically address the growing abuse of Heroin and Opiates in Brown County and to provide comprehensive treatment and supervision services to individuals within Brown County. In addition to serving the High Risk/High Need population that has exhausted conventional means of supervision and treatment, the Heroin Court also admits individuals with first time heroin/opiate crimes in order to preemptively provide the needed services to reduce risk of serious harm.

### MENTAL HEALTH COURT:

Category	Number
Total Participants to Date	9
Current Participants	9
Additional Approved Participants (awaiting start date)	1
Individuals in Referral Process	9
Successful Graduates	0
Terminations within the first 60 days of acceptance	0
Terminations related to absconding (including those within 60 days of acceptance)	0
Total Number of Terminations	0

The Mental Health Court was also established in March of this year. The Mental Health Court looks to serve individuals within the community who have a diagnosed mental health need and that unmet need is the primary factor behind their ongoing criminal justice involvement. The Mental Health Court's goals are to re-establish participants with their providers, develop an obtainable independent living plan, and provide intensive case management and supervision services.